

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROOT, INC., <i>et al.</i>,	:	
	:	Case No. 2:23-cv-512
Plaintiffs,	:	
	:	Judge Sarah D. Morrison
v.	:	
	:	Magistrate Judge Elizabeth Preston Deavers
BRINSON CALEB SILVER, <i>et al.</i>,	:	
	:	
Defendants.	:	

JOINT MOTION TO MODIFY THE CASE SCHEDULE

Now comes Plaintiffs Root Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC (“Plaintiffs” or “Root”) and the Court appointed receiver herein, Jerry E. Peer, Jr. (“Receiver”), and jointly move this Court for an order modifying the dispositive motion deadline to allow the parties additional time to obtain discovery from Defendant Silver pursuant to the Court’s March 10, 2025 Order compelling discovery responses from Defendant Silver.¹ A memorandum in support and proposed order are attached.

¹ Root and the Receiver have not conferred with Defendant Silver regarding this motion because it is impractical given his incarceration. Nor have Root and the Receiver conferred with Defendants Collateral Damage, LLC or Eclipse Home Design, LLC because these entities are unrepresented and in default.

DATED: June 2, 2025

Respectfully submitted,

/s/ Jerry E. Peer, Jr.

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Counsel for Plaintiffs

MEMORANDUM IN SUPPORT

On December 30, 2024, the Court entered a scheduling ordering setting, *inter alia*, the discovery cutoff for May 1, 2025 and dispositive motion deadline for June 2, 2025. (ECF No. 280.) In the interim period, Root has diligently pursued discovery from Defendant Silver, including filing a motion to compel discovery responses.

On March 10, 2025, the Court granted Root's motion to compel and ordered Defendant Silver to produce responsive documents by April 10, 2025 and specifically warned Defendant Silver that failure to do so could result in a show cause order as to why further sanctions should not be awarded against him. On April 11, 2025—the day after Defendant Silver's deadline—Root filed a notice of no response from Defendant Silver. As of the date of this filing, Defendant Silver has yet to produce responsive documents.²

Should Defendant Silver continue to disobey the Court's Order, Root intends to move for a default judgment pursuant to Civ.R 37(b)(2)(A)(vi). However, should Defendant Silver ultimately produce responsive information, Root will need this information to support its dispositive motion(s). Accordingly, Root and the Receiver respectfully request that the June 2, 2025 dispositive motion deadline be extended by 60 days to August 1, 2025 to allow time for Root to obtain a default judgment against Defendant Silver or responsive information necessary for its dispositive motion(s).

² Root and the Receiver are also attempting to work with Defendant Silver and the prison to obtain access to a bank account held by Defendant Silver in Jakarta, Indonesia. That process has been frustrated by Defendant Silver's refusal to sign appropriate paperwork and the prison's repeated failure to make Defendant Silver available for routine phone calls.

/s/Jerry E. Peer

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served on this 2nd day of June via CM/ECF upon all counsel of record and via regular mail upon Brinson Caleb Silver, Collateral Damage, LLC, and Eclipse Home Design, LLC as set forth below:

Brinson Caleb Silver

Butler County Jail
Attn. Brinson Caleb Silver
Inmate # 303850
705 Hanover Street
Hamilton, OH 45011

Collateral Damage, LLC

c/o Butler County Jail
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Eclipse Home Design, LLC

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/s/Elizabeth S. Alexander

Elizabeth S. Alexander (0096401)

Attorney for Plaintiffs

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SOUTHERN DISTRICT OF OHIO
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	:	
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[PROPOSED] ORDER GRANTING MOTION TO MODIFY THE CASE SCHEDULE

This matter is before the Court on the Joint Motion by Plaintiffs Caret Holdings, Inc., Root Insurance Agency, LLC, and Root Inc. (collectively, “Root”) and the Court appointed receiver herein, Jerry E. Peer, Jr. For good cause, the Motion is Granted and the Court orders that the June 2, 2025 dispositive motion deadline is extended to August 1, 2025.

IT IS SO ORDERED.

Date:

**ELIZABETH PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE**